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Congress of the United States
House of Representatives
Washington, D.C. 20515

August 7, 1994

Mr. Jim Ingram
Mineral King District Association
1744 East Caldwell
Visalia, CA 93292

Dear Mr. Ingram:

Thank you for your latest correspondence regarding your concerns on the retention of your cabins at Mineral King. I am pleased by the positive approach that your group has charted in attempting to work with the National Park Service (NPS) to resolve this complex problem.

I would like to address, in reverse order, the points that you raise in your latest letter.

1. Additional Correspondence:

I would be glad to forward to the National Park Service additional or clarifying questions on compatability of your cabins as compared with those of adjoining areas or in different units of the park system. Questions can be incorporated into a congressional letter or might be submitted on your letterhead along with a cover letter from my office. Please let me know how I can be of service.

2. Expanding Your Contacts:

Development of active support from other Members of Congress would be helpful. A preliminary step would be for us to make a collective effort to identify one staff contact in each of the offices that you list, and provide a personal briefing to each by members of your association. This could be followed by a packet of correspondence. As the staff become more familiar with your concerns and the issue matures, you might consider setting up meetings with elected representatives. The appropriate time for the latter would be once a proposal for action has been prepared.

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3. Finding the Right Management Level:

I would prefer to work at the park level whenever possible in these discussions, with the exception being correspondence, in which case the Director should be addressed with a facsimile copy sent immediately to the Park Superintendent. In all likelihood, this approach will work to your benefit.

4. Oversight:

I would be pleased to offer my staff as a "third party presence" at meetings you might conduct with park professionals.

5. Potential Solutions:

It would be helpful to discuss at some length the range of proposals, other than judiciary, that you have identified as potential solutions to the 1978 eviction language. Again, in reverse order:

A. Appropriations:

While it is true that the Congress occasionally legislates through the appropriations process, typically this is used sparingly and as a last resort. The appropriations procedures for Interior agencies have been completed for fiscal year 1995.

B. Public Participation in Selection Committees:

Although your group has legitimate needs, so do such diverse groups as concessioners, local governments, environmental groups, and recreational interests ranging from wilderness survivalists to RV manufacturers. The selection process at the superintendent level is best left to agency decision makers.

C. Public Input on New Management Plans:

Given the congressional and cabin permittee attention to date, NPS will no doubt do a careful job in making certain that adequate public participation is included in any potential management plans. Oversight of agencies in this regard is a responsibility that I take very seriously.

D. Demonstration of Incompatability:

My reading of the 1978 legislation is that any early finding of incompatabilty (i.e., before the death of the permittee) must be demonstrated by the Park Service. Requiring NPS to continue leases to a family, subsequent to death of the lessee, unless incompatability is demonstrated, constitutes a reversal of the eviction clause. The congressional directive needed would be legislation.

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E. The National Recreation Area Defense:

The greatest likelihood of a current finding of incompatability, in my reasoning, would be site-specific. What this means is that the site location of a cabin would be needed for a parking lot, rest room, or some other facility intended to serve the greater good. National Recreation Area status for Mineral King would serve to increase the likelihood of your cabin sites being needed for such use.

F. Allowing Transfers Between Relatives:

NPS does not seem to have the authority to interpret the 1978 legislation in such a way as to permit the transfer of leases between relatives. The exception has been the transfer to a surviving spouse, as provided by community property laws in California.

G. Comparison with Silver City:

Although it is easy to draw a comparison to the situation at Silver City, the obvious difference between the two communities is that one is situated on private land. Again, the most likely case to be made for a finding of incompatability is site-specific. In such a scenario, comparisons with Siver City become moot.

H. Options in Modifying the 1978 Legislation:

The balancing of private and public needs is one of the most important tasks that I face as a representative. Nowhere are the decisions more difficult than in answering questions about how our public lands are to be managed.

Your group has made the case that you lead the effort to transfer the Mineral King Valley into Sequoia National Park as a means to prevent its wholesale destruction. You have stated clearly and convincingly that the eviction clause was slipped into the 1978 legislation at the eleventh hour. Throughout our discussions and correspondence, you have impressed me with your sincerity of purpose.

If it can be demonstrated that the majority of cabin owners did not make a change of leaseholder status on or about the inception date of the 1978 legislation to the youngest member of their immediate family, I would be willing to carry legislation modifying the 1978 legislation to permit such a one-time change.

Second, and in addition, I would support disallowing a NPS finding of incompatability prior to the death of a leaseholder.

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Third, if the Mineral King District Association prefers this approach, I would support legislation authorizing irrevocable use by you and your heirs (conditioned upon transfer of title to the government) for a period of fifty years from the date these lands became part of Sequoia National Park.

I would appreciate your thoughtful review of these options, and a response at your earliest convenience.

Sincerely,

Richard Lehman

RICHARD H. LEHMAN
Member of Congress

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